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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,192	02/19/2002	Gary Handwerker	8033-1014	7298
23644	7590	09/23/2004	EXAMINER	
BARNES & THORNBURG			LONEY, DONALD J	
P.O. BOX 2786			ART UNIT	
CHICAGO, IL 60690-2786			PAPER NUMBER	

1772

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,192

Applicant(s)

HANDWERKER, GARY

Examiner

Donald Loney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-15,17-20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-15,17-20 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,4,6-15,17-20 and 22-27 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 98/10216.

WO 98/10216 to Aanestad teaches insulation that contains two outer layers (16 or 20 and 18 or 22), two bubble insulating layers (10, 12) there between with reflective layers (16, 18) on what can be considered either the bubble layers or outer layer when not looking at layers 16 and 18 as outer layers. Refer to the Figure, Abstract and page 11, line 32 through page 14, line 2 along with the claims. The reference contains layers that would read upon the four arrangements of independent claims 1,7,14 and 23. For claim 1, either layer 16 or 20 can be considered the top layer, layer 10 is the first insulated bubble layer, layer 12 the bottom insulative bubble layer with reflective film 18 thereon. For claim 7, either layer 16 or 20 can be considered the top layer, layer 10 or 12 the insulative bubble layer, layer 22 the bottom layer with reflective layer 18 thereon. For claim 14, either layer 16 or 20 can be considered the top layer, layers 10 and 12 the bubble layer and layer 22 the bottom layer with reflective film 18 thereon. For claim 23, layer 16 or 20 can be considered the top layer, bubble layers 10 and 12 the first and

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second insulative layers, layer 22 the bottom layer with reflective films 18 or 16 on one of the first or second insulative layers.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,2,4,6-15,17-20 and 22-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Handwerker (5549956).

Handwerker teaches an insulation blanket with two inner bubble layers (16, 30) enveloped by two outer layers (12, 14) wherein a reflective layer(s) (18,32) is/are located between (i.e., on both the outer and bubble layer) the bubble layers and outer layers. Refer to Fig. Nos. 4-6 along with the corresponding text to the numbers referred to above. Handwerker layers 12,18,16,34,30,32 and 14 are equivalent to Aanestad layers 20,16,10,14,12,18 and 22 respectively as discussed above, except for layer 34 being a foil in Handwerker and a plastic film in Aanestad. Therefore, the layers apply to the claims as explained above just using the reference numbers in Handwerker that equate to Aanestad.

Response to Arguments

5. Applicant's arguments filed February 2, 2004 have been fully considered but they are not persuasive. The applicant argues the arrangement of the layers. The examiner has shown above how each layer in the prior art equates to the instant claims. The

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applicant also seems to be arguing that the prior art has extra layers in particular locations not recited in the instant claims, however, the applicant is not excluding any additional layers with the open claim language drawn to "comprising". Even the recitation of top, bottom and outer are just relative to how one looks upon the prior art and does not distinguish for the prior art when the prior art shows layers that can be structurally equivalent there to (i.e. in the same location). A reference can have what one can consider multiple outer layers on one side of a structure.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon-Fri. 8AM-4PM, maxi-flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Donald Loney
Primary Examiner
Art Unit 1772

DJL:D.Loney
09/17/04